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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/550,430	01/08/2007	Trevor Poulter	926512-100464	3341

23644 7590 05/29/2007
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EXAMINER	
RIVELL, JOHN A	
ART UNIT	PAPER NUMBER
3753	
MAIL DATE	DELIVERY MODE
05/29/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/550,430	POULTER, TREVOR	
	Examiner	Art Unit	
	John Rivell	3753	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *1/8/07 (application)*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-12* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *21 September 2005* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *09212005*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

By preliminary amendment filed September 21, 2005, original claims 1-12 remain and are pending.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-9 are rejected under 35 U.S.C. §102 (b) as being anticipated by Koenig et al.

The patent to Koenig et al. discloses a "valve for use in controlling the flow of liquid out of a container (the container is read on the volume of the inlet conduit and/or the source of fluid such as the implied fuel tank used for the disclosed long term storage of fuel, connected to the inlet conduit), the valve comprising a valve body having an inlet (24) and an outlet (25) for liquid, a valve seat (seals 6, 6'), and a valve member (1) movable onto the valve seat (6, 6') to close the valve, the valve also comprising a secondary seal in the form of a barrier member (diaphragm element 2 including flange 11) positioned to prevent any leakage of liquid from the valve outlet (25)" as recited in claim 1.

Regarding claim 2, in Koenig et al., "means (such as at the line of weakness 12, fig. 3, and circular cutter 3) breach the barrier (2) when it is desired to use the valve to dispense liquid" as recited.

Regarding claim 3, in Koenig et al., "the means to breach the barrier (e.g. cutting and/or shearing the diaphragm 3) is activated by movement of the valve member (1) off (away from) the valve seat (6, 6')" as recited.

Regarding claim 4, in Koenig et al., "the barrier (2) comprises a membrane" as recited.

Regarding claim 5, in Koenig et al., "the membrane (2) has at least one line of weakness (12 at flange 11, see fig. 3) to facilitate breaching of the membrane (2)" as recited.

Regarding claim 6, in Koenig et al., "the valve has a breaching member (circular cutter 3), the valve being such that movement of the valve member (1) off the valve seat (6, 6') forces the membrane (2) into engagement with the breaching chamber (3)" as recited.

Regarding claim 7, in Koenig et al., "the breaching member (cutter 3) comprises a sharp edge" (column 3, line 5)" as recited.

Regarding claim 8, in Koenig et al., "the breaching member (3) is arranged at an angle such that when the valve seat (unseats?), the membrane (2) is initially brought into engagement with a first part (cutting edge) of the breaching member (3), thus applying concentrated breaching pressure to the membrane (2)" as recited.

Regarding claim 9, in Koenig et al., "the breaching member (3) is provided with one or more teeth". The disclosed "sharp annular edge" is read as one tooth.

Claims 1-4 are further, and claims 10-11 are rejected under 35 U.S.C. §102 (b) as being anticipated by Goldberg.

The patent to Goldberg discloses a "valve for use in controlling the flow of liquid out of a container (the container is read on the volume of the inlet conduit and/or the source of fluid connected to the inlet conduit), the valve comprising a valve body having an inlet (11) and an outlet (13) for liquid, a valve seat (14), and a valve member (poppet-butterfly member 15) movable onto the valve seat (14) to close the valve, the valve also comprising a secondary seal in the form of a barrier member (hermetic sealing sheet 12) positioned to prevent any leakage of liquid from the valve outlet (13)" as recited in claim 1.

Regarding claim 2, in Goldberg, "means (such as shearing of the hermetic sheet 12 during initial reciprocation of the poppet 15) breach the barrier (12) when it is desired to use the valve to dispense liquid" as recited.

Regarding claim 3, in Goldberg, "the means to breach the barrier (e.g. shearing the sheet 12) is activated by movement of the valve member (15) off (away from) the valve seat (14)" as recited.

Regarding claim 4, in Goldberg, "the barrier (12) comprises a membrane" as recited.

Regarding claim 10, in Goldberg, "the valve member (15) is mounted in the valve body (10) such that the valve member (15) performs translational movement (reciprocates) between open and closed positions" as recited.

Regarding claim 11, in Goldberg, the "container (read on the volume of the inlet conduit and/or the source of fluid connected to the inlet conduit 11 includes) the valve member (15)... mounted in the valve body (10) such that the valve member (15)

performs transitional movement (reciprocates) between opened and closed positions" as recited.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goldberg in view of Scholle.

The patent to Goldberg discloses all the claimed features with the exception of having utility in combination with an "ISO (International Standards Organization) container".

Given that the specification is silent as to the specifications relating to size of an "ISO container" it is presumed that any known container used for shipping purposes containing fluids to be shipped qualifies as an "ISO container".

The patent to Scholle discloses that it is known in the art to employ in combination a shipping container such as at container or bag 20 containing goods to be shipped and/or stored in combination with a separate valve 30 and frangible seal 236 broken upon initial valve movement for the purpose of hermetically sealing the container and the contents therein prior to initial valve actuation.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to employ the device of Goldberg in combination with a shipping container filled with fluids to be shipped for the purpose of hermetically sealing the container and the contents therein prior to initial valve actuation as recognized by Scholle.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Rivell whose telephone number is (571) 272-4918. The examiner can normally be reached on Mon.-Thur. from 6:30am-5:00pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Keasel can be reached on (571) 272-4929. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

John Rivell
Primary Examiner
Art Unit 3753

j.r.